

### **REMARKS**

Claims 1-39 remain pending in the application.

#### **Claims 1-39 over Aether**

In the Office Action, claims 1-39 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Aether Technologies Aether Technologies: Enterprise Data Wireless Center (“Aether”). The Applicants respectfully traverse the rejection.

The opening paragraph of the rejection of claims 1-39 refers to Aether Technologies document Enterprise Data Wireless Center with a print date of February 1999 (See Office Action, page 2). The body of the rejection and statements about the previously submitted Affidavit refer to AIM.net Architecture 1.1 with a print date of April 1999 (See Office Action, page 2-10). As is clear from the different print dates, the document Enterprise Data Wireless Center is a distinct document from document AIM.net Architecture 1.1. Since the body of the rejection and the Examiner’s arguments appear directed to the alleged unsatisfactory language in the previously submitted Affidavit are directed to document AIM.net Architecture 1.1 (“AIM”), the Applicants are herein responding to the rejection of claims 1-39 as allegedly being anticipated by AIM.

The Examiner indicated the Affidavit submitted March 15, 2005 is insufficient to overcome the pending rejection of claims 1-39 because the Affidavit allegedly lacks the fact that to the best of the assignee’s knowledge the document was not published or available to the public before or on the filing date of the subject application (See Office Action, page 9).

To cure the alleged deficiency in the Affidavit filed March 15, 2005, the Applicants are submitting herein a new Affidavit supporting the Applicants’ previous contention that the AIM.net Architecture Version 1.1 document was **not** published or available to the public before or on the filing date of the subject application (as supported by the statement on page 6 of the document itself).

Thus, the AIM document was **not** “published” for public disclosure and does not qualify as prior art under 35 U.S.C. § 102(b). Because this


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rejection is not based on prior art, it cannot properly stand. The Applicants respectfully request the rejection of claims 1-39 be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

  
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